

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

NVIDP380/P002194

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Application Number

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Signature /Dana Chan/

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Art Unit

2173

Examiner

Roswell, Michael

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/KEVINZILKA/

☐ assignee of record of the entire interest.

Signature

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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October 15, 2007

Registration number if acting under 37 CFR 1.34

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 132 and 37 CFR 1.11, 1.14 and 41.5. The collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

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REMARKS

The Examiner has rejected Claims 1, 3, 5-7, 9, 10, 12, 14-16, 18, 19 and 39-41 under 35 U.S.C. 103(a) as being unpatentable over Ferguson (U.S. Patent No. 6,769,019) in view of Sheldon et al. (U.S. Patent No. 6,072,486), and in further view of Anuff et al. (U.S. Publication No. 2002/0029296). In addition, the Examiner has rejected Claims 2, 11, 20, 21, 23-25, 27-29, 31-33, 35, 36 and 38 under 35 U.S.C. 103(a) as being unpatentable over Ferguson, in view of Sheldon, in view of Anuff, and in further view of Bascom et al. (U.S. Patent No. 7,139,974). Further, the Examiner has rejected Claim 37 under 35 U.S.C. 103(a) as being unpatentable over Ferguson, in view of Sheldon, in view of Anuff, in view of Bascom, in view of Shafron (U.S. Patent Publication No. 2004/0165007), and in further view of Schultz (U.S. Patent No. 6,453,339). Applicant respectfully disagrees with such rejections.

With respect to the independent claims, and particularly applicant's claimed "linking the toolbar to a portal of a user" (see the same or similar, but not necessarily identical language in the independent claims), the Examiner has admitted that "Ferguson fails to explicitly teach the linking of a portal of a user to a toolbar."

The Examiner has argued, however, that "Sheldon teaches a system and method for use with web browser toolbars, similar to those of Ferguson," and that "Sheldon teaches the ability to customize the toolbar of a user interface by adding, deleting, or changing the function of an associated button (col. 1, lines 44-48), or further, dragging and dropping components into a toolbar or deskbar, as can be seen in col. 19, line 61 through col. 20, line 14, as the user can drag an address bar (similar to the bucket of Ferguson, as input is entered into the bar resulting in a desired output) into any deskbar." The Examiner has also argued that "Sheldon further states that the deskbar may be placed in an application window, such as a web browser, at col. 6, lines 62-65." The Examiner has thus concluded that "the incorporation of the GUI 246, and its link to the displayed portal in Ferguson, is made possible by the toolbar customization of Sheldon."

Applicant respectfully disagrees and asserts that only generally teaching “toolbars [that] can be modified by adding or deleting buttons, or by changing the function associated with a button” (Col. 1, lines 44-46), as in Sheldon, fails to even suggest, let alone specifically meet applicant’s claimed “linking the toolbar to a portal of a user” (emphasis added), as claimed. In addition, applicant respectfully points out that Sheldon does not teach that “the user can drag an address bar...into any deskbar,” as noted by the Examiner. Instead, Sheldon simply discloses that a “user can drag and drop a toolbar associated with [an] application window on some other area...on the display screen 300,” such that “a deskbar is automatically created containing the toolbar” (see Col. 20, lines 1-6), which clearly only relates to creating a deskbar that contains a selected toolbar. Applicant respectfully asserts that only generally disclosing a technique for creating a deskbar that contains a selected toolbar, as in Sheldon, fails to specifically teach “linking the toolbar to a portal of a user” (emphasis added), as claimed.

Still yet, Sheldon’s disclosure of a “deskbar [that] may simultaneously contain toolbars and toolbar components..., and [that] may exist in an application window” (Col. 6, lines 62-65), as referenced by the Examiner, only suggests allowing a deskbar to exist in an application window, which does meet applicant’s claimed “linking the toolbar to a portal of a user” (emphasis added), as claimed.

Moreover, applicant respectfully disagrees with the Examiner’s argument that “incorporation of the GUI 246, and its link to the displayed portal in Ferguson, is made possible by the toolbar customization of Sheldon.” Applicant respectfully notes that the Examiner has expressly relied on the GUI 246 in Ferguson to meet applicant’s claimed portal, as expressed by the Examiner’s statement that “the open GUI [is] analogous to the claimed ‘portal’” (see Page 2 of the Office Action). Since the Examiner has relied on the GUI 246 in Ferguson to meet applicant’s claimed portal, such GUI clearly cannot have a “link to the displayed portal in Ferguson” (emphasis added), as noted by the Examiner.

Still yet, the Examiner has argued that “[a]s the bucket of Ferguson is linked to the user portal, any incorporation of the bucket into a toolbar (as done by Sheldon) therefore links the toolbar to the user portal” (see Page 11 of the Office Action).

Applicant respectfully disagrees and again points out that Sheldon merely discloses that a “user can drag and drop a toolbar associated with [an] application window on some other area...on the display screen 300,” such that “a deskbar is automatically created containing the toolbar” (see Col. 20, lines 1-6), which clearly only relates to creating a deskbar that contains a selected toolbar. Applicant respectfully asserts that merely allowing a user to drag and drop a toolbar on some area of a display screen, where a deskbar containing the toolbar is created, as in Sheldon, fails to support the Examiner’s allegation that Sheldon teaches “incorporation of the bucket into a toolbar” (emphasis added). To this end, the excerpts from Ferguson and Sheldon, as relied on by the Examiner, do not meet “linking the toolbar to a portal of a user,” as claimed.

With respect to independent Claim 38, applicant notes the Examiner has relied on Col. 21, lines 3-6 from the Bascom reference to make a prior art showing of applicant’s claimed “linking the toolbar to a portal of the user on a remote server coupled to the computer via network upon the user signing on.” Specifically, the Examiner has argued that “Bascom teaches the use of sign on buttons in a web browser toolbar to allow access to secure information.”

First, applicant respectfully asserts that merely allowing access to secure information, as noted by the Examiner, fails to rise to the level of specificity of applicant’s claimed “linking the toolbar to a portal of the user on a remote server coupled to the computer via network upon the user signing on” (emphasis added), as claimed. Second, applicant respectfully asserts that the excerpt from Bascom relied on by the Examiner only generally discloses that a “client logon button 1050 initiates a connection between the client tool 220 and one or more servers 30.” Applicant notes that such excerpt further teaches that “[t]he client toolbar 1010 includes a number of GUI

buttons that initiate various functions of the client tool 220" (emphasis added). Clearly, Bascom only discloses connecting a client tool to a server, and not "linking the toolbar to a portal of the user...upon the user signing on" (emphasis added), as claimed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. Thus, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to dependent Claim 2 et al., the Examiner has again relied on Col. 21, lines 3-6 from the Bascom reference to make a prior art showing of applicant's claimed "toolbar [that] includes a sign on button, wherein the toolbar links to the portal upon the user signing in." Specifically, the Examiner has argued that "Bascom teaches the use of sign on buttons in a web browser toolbar to allow access to secure information."

First, applicant respectfully asserts that merely allowing access to secure information, as noted by the Examiner, fails to rise to the level of specificity of applicant's claimed "toolbar [that] links to the portal upon the user signing in" (emphasis

added), as claimed. Second, applicant respectfully asserts that the excerpt from Bascom relied on by the Examiner only generally discloses that a “client logon button 1050 initiates a connection between the client tool 220 and one or more servers 30.” Applicant notes that such excerpt further teaches that “[t]he client toolbar 1010 includes a number of GUI buttons that initiate various functions of the client tool 220” (emphasis added). Clearly, Bascom only discloses connecting a client tool to a server, and not a “toolbar [that] links to the portal upon the user signing in” (emphasis added), as claimed.

With respect to dependent Claim 39, the Examiner has only generally stated that “Ferguson and Sheldon teach adding functionality to a toolbar or deskbar, where that functionality may be the bucket of Ferguson, or a button with similar functionality, as taught above by Sheldon,” to make a prior art showing of applicant’s claimed technique “wherein the bucket includes a button on the toolbar.”

Applicant respectfully asserts that Sheldon only generally discloses that “toolbars can be modified by...changing the function associated with the button” (Col. 1, lines 44-46). Clearly, such a general disclosure does not even suggest any sort “bucket,” as applicant claims. Further, Ferguson merely discloses “dragging-&-dropping hyperlinks on the interface 246 of the invention” (Col. 6, lines 64-65), where such interface 246 is clearly not a button, as shown in Figure 8 of Ferguson. Thus, neither Sheldon nor Ferguson, as relied on by the Examiner, meet applicant’s claimed “bucket [that] includes a button on the toolbar” (emphasis added), as claimed.

Again, since at least the third element of the *prima facie* case of obviousness has not been met, a notice of allowance or a proper prior art showing of all of applicant’s claim limitations, in combination with the remaining claim elements, is respectfully requested.